

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

ROBERT D. LATTAS, individually	)	
and on behalf of a class,	)	
	)	Case No.: 2007-CV-6296
Plaintiff,	)	
	)	The Honorable Mark Filip
vs.	)	
	)	Mag. Judge Martin C. Ashman
MERCURY CAFÉ, INC.,	)	
	)	
Defendant.	)	

**AGREED MOTION FOR EXTENSION OF TIME TO  
RESPOND TO COMPLAINT**

Defendant, Mercury Café, Inc. (“Mercury Café”), by and through its undersigned counsel, respectfully submits this Agreed Motion for Extension of Time to Respond to Complaint, and in support thereof state as follows:

1. On or about November 6, 2007, Plaintiff, Robert D. Lattas (“Plaintiff”), commenced this case by filing his Complaint alleging that Mercury Café violated the Fair and Accurate Credit Transactions Act, 15 U.S.C. § 1681, *et seq.*
2. On or about November 14, 2007, Mercury Café was served with Summons and the Complaint.
3. Undersigned counsel for Mercury Café was retained on or about November 26, 2007, and counsel has commenced a preliminary investigation into the allegations set forth in the Complaint.
4. On motion by Mercury Café, this Court, on or about December 5, 2007, entered a Minute Order granting Mercury Café up to and including January 3, 2008 to respond to Plaintiffs’ Complaint. (*See* Docket Entries 6, 7, & 8.)

5. Thereafter, on or about December 19, 2007, undersigned counsel spoke with Mr. David Jenkins, counsel for Plaintiff, regarding certain aspects of the case, including, but not limited to, the possibility of an amicable resolution. The parties – through their respective counsel – agreed that while they explore that possibility, Mercury Café’s time to respond to the Complaint would be extended thirty (30) days to and including February 4, 2008.

6. This agreed motion for an extension of time is not made for purposes of delay. Rather, this motion is made in an attempt to secure sufficient time to adequately prepare a response to the Complaint, as well as to permit the parties the opportunity to amicably resolve this matter.

**WHEREFORE**, Mercury Café respectfully requests that this Court enter an order:

- (i) extending the time for Mercury Café to respond to Plaintiff’s Complaint by thirty (30) days, up to and including February 4, 2008; and
- (ii) granting it any additional relief that this Court deems just and equitable.

Dated: December 28, 2007

Respectfully submitted,

MERCURY CAFÉ, INC.

/s/ David S. Almeida

One of Its Attorneys

David S. Almeida  
Steven D. Hamilton  
DRINKER BIDDLE GARDNER CARTON  
(Drinker Biddle & Reath LLP)  
191 N. Wacker Drive, Suite 3700  
Chicago, IL 60606  
(312) 569-1000 (telephone)  
(312) 569-3000 (facsimile)

*Attorneys for Mercury Café, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on December 28, 2007, a copy of the foregoing **Agreed Motion for Extension of Time to Respond to Complaint** was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's electronic filing system. I further certify that, on December 28, 2007, I caused a copy of the foregoing to be sent via regular U.S. Mail to:

David M. Jenkins  
Barone & Jenkins, P.C.  
635 Butterfield Road, Suite 145  
Oakbrook Terrace, IL 60181

/s/ David S. Almeida